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SUBJECT: JOURNALIST FREED BY GACACA AUTHORITIES

¶1. (U) Summary. On July 28, Jean Leonard Rugambage, a journalist for the Kinyarwanda fortnightly newspaper Umuco,, who was charged with murdering a bank official in his home district during the genocide, was freed after 11 months in detention. Rugambage had been formally charged with murder one month after his initial arrest and subsequently had a contempt charge added. The decision to free Rugambage was made after a review of the case by the National Gacaca Service, which determined that Rugambage,s arrest by local gacaca officials was arbitrary and found that there was no evidence to support the criminal charge against him. This ruling followed a July 26 decision by a sector level gacaca appeals court to overturn the contempt of court conviction against Rugambage, for which he had been sentenced to one year in prison. While it is possible that Rugambage could be charged in a traditional criminal court for the crime of murder (alleged to have occurred during the 1994 genocide), initial indications are that no further legal action will be taken against him. End summary.

¶2. (U) In an August 8 meeting with Emboffs, Rugambage provided an overview of his case from the time he was arrested in September 2005 through his ultimate release from jail. In most respects, Rugambage,s account of his initial arrest was consistent with an October 2005 report issued by the High Council of the Press (HCP), which determined that a local gacaca judge and an individual policeman had conspired to coerce local gacaca judges to sign Rugambage's arrest order. Initially Rugambage was charged only with attempting to evade law enforcement authorities. The HCP investigation had concluded that the local police had improperly interfered in gacaca procedures, had declared that Rugambage had been detained illegally, and had called for his immediate release.

¶3. (U) Where Rugambage and the HCP differ is in their account of why Rugambage was originally arrested. Rugambage continues to insist that his arrest was spearheaded by a local gacaca judge in the Gitarama area (Rugambage,s native region) in response to articles he wrote that criticized him and other local gacaca officials. In Rugambage,s version of events, this lone gacaca judge colluded with a policeman from Rugambage,s home village to have him arrested. The HCP, on the other hand, concluded that there was no evidence that Rugambage was arrested because of his articles, but the HCP did not offer any alternative explanation for his arrest.

¶4. (U) Rugambage said he does not believe that any senior government official was involved in his arrest or detention. Rugambage appeared to be genuinely grateful to Domitille Mukantaganzwa, executive secretary of the National Gacaca Service, for the role she played in bringing his case to a close and the willingness of the national administration to intervene when it became aware of examples of miscarriage of justice.

¶5. (U) Comment: Rugambage's case has sometimes been highlighted as an example of the lack of press freedom in Rwanda. It is probably more accurate to describe it as an example of how local officials in the gacaca system can evade checks and balances to pursue individual agendas. End comment.

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